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INFORMATION CIRCULAR

To: Members of the staff

From: The Under-Secretary-General for Administration and Management

Subject: REPORT ON THE WORK OF THE PANELS ON DISCRIMINATION AND OTHER GRIEVANCES*

1. The Under-Secretary-General for Administration and Management has responsibility for the administration of the internal justice system, including the organization of the Panels on Discrimination and Other Grievances. The present information circular, which reports on the work of the panels during the periods indicated below in respect of each Panel, is issued pursuant to paragraph 19 of administrative instruction ST/AI/308/Rev.1 of 25 November 1983.

2. The panels in New York, Geneva, Addis Ababa, Bangkok, Santiago and Vienna submitted reports on their activities to the Secretary-General, which are summarized in sections I to VI below, with an indication in each case of the period covered by the report.

3. The panels at Nairobi and Jerusalem and at the Economic and Social Commission for Western Asia (ESCWA) did not have any cases before them and have not submitted reports on their activities.

I. ACTIVITIES OF THE HEADQUARTERS PANEL FOR THE PERIOD 1 JULY 1991 TO 30 JUNE 1992

A. Membership

4. The membership of the Panel as stated in paragraph 4 of ST/IC/1991/60 continued to serve from 1 July 1991 through 1 February 1992. On the recommendation of the Joint Advisory Committee, the Secretary-General decided

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* Personnel Manual index No. 11011.

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to increase the membership of the Panel to 14, and on 18 May 1992 a new Panel was approved for a term of two years. The membership of the new Panel is: Mr. Nikolai Baskakov, Ms. Elizabeth Echevarriarza, Mr. L. Candan Goksenin, Mr. José Golfarini, Mr. Sergei Kambalov, Mr. Charles Kassangana, Mr. Ronald Lanaux, Ms. Bepty Laurencon, Ms. Kikuko Maeyama, Mr. Kaplinghat Natarajan, Ms. Maureen Otto, Ms. Anne Reichel and Ms. Sui-Ying Wat. Mr. Emilio Fischman was appointed the Coordinator. Ms. JoanEllen Miller was the Secretary of the Panel for the entire period covered by this report.

B. Procedures

5. During the period under consideration, the Panel held 11 meetings to consider all the cases brought to its attention and to discuss problems of investigation and implementation. Cases were brought to the attention of the Panel by staff members contacting any Panel member, the Coordinator or the Secretary of the Panel. Cases were then investigated and solved informally by a Panel member or reported to the Panel, which then took a collective decision on whether to make a recommendation to the Assistant Secretary-General for Human Resources Management.

6. The Coordinator met regularly with the Director of the Staff Administration and Training Division, who was the Assistant Secretary-General's liaison with the Panel.

7. The Panel handled 37 cases in the period covered by this report. This does not include inquiries or situations where the Panel members spend time counselling a staff member to prevent emerging problems from escalating into more serious staff-management conflicts.

C. Statistical breakdown of cases

8. Of the 37 formal cases handled by the Panel, 30 were from Headquarters and 7 from agencies or duty stations away from Headquarters. Although panels exist at other duty stations, the complainants chose to take recourse to the Headquarters Panel rather than to their local panels. The distribution of the complaints by agency and duty station is shown in table 1.

9. Table 2 provides a breakdown of the complaints by the staff member's gender and service category.

10. Table 3 shows the number of cases handled by the Panel on the basis of the main grounds for the allegations in relation to the administrative actions that prompted the complaints. Many cases in the "Other" category refer to situations where there was allegedly a consistent pattern of harassment that included minor administrative actions not listed in the table. This year, many such cases related to the General Service category.

Table 1

DISTRIBUTION OF COMPLAINTS BY AGENCY/OFFICE AND DUTY STATION

Agency/duty station	Number of cases
Headquarters	30
Economic Commission for Africa (ECA)	2
Economic Commission for Latin America and the Caribbean (ECLAC)	1
Economic and Social Commission for Asia and the Pacific (ESCAP)	1
United Nations Children's Fund (UNICEF)	2
United Nations Office at Geneva (UNOG)	1
Total	37

Table 2

COMPLAINTS REFERRED TO THE PANEL ACCORDING TO THE THE STAFF MEMBER'S GENDER AND SERVICE CATEGORY

Category	Male	Female	Total
Professional	10	8	18
General Service	10	6	16
Other a/	3	0	3
Total	23	14	37

a/ Trades and Crafts, Field Service, Security Officers.

Table 3

CASES OF ALLEGED DISCRIMINATORY TREATMENT a/

Category	Appointments/ assignments		Contractual status		Performance evaluation		Promotion		Transfer		Working conditions		Other b/		Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Unfair treatment/ Personal relations			5	3	2		6	3		1	1	1	6	4	32
Nationality							1								1
Race			1										1		2
Sex				2											2
Other b/															
Total			6	5	2		7	3		1	1	1	7	4	37

a/ Each case is categorized on the basis of its main allegation. Many cases were based on more than one allegation.

b/ See para. 10 above.

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D. Status of cases as of 30 June 1992

11. Table 4 shows the status of the cases as of 30 June 1992. The final disposition of cases is divided into four categories: (a) cases settled through conciliatory arrangements; (b) cases referred to the Assistant Secretary-General for Human Resources Management; (c) cases that are still being monitored by the Panel; and (d) pending cases. Table 4 also shows the number of recommendations made to the Assistant Secretary-General for Human Resources Management that were implemented, the number on which a decision is still pending and those where no or insufficient action was taken by the administration and the staff member resorted subsequently to the Joint Appeals Board and/or the United Nations Administrative Tribunal.

Table 4

STATUS OF CASES AS OF 30 JUNE 1992

Status			No. of cases
(a)	Resolved informally		14 a/
(b)	Referred to the Assistant Secretary-General for Human Resources Management:		
	(i) Implemented	1	
	(ii) Awaiting implementation	1	
	(iii) Further claims submitted to the Joint Appeals Board and/or the Administrative Tribunal	4 b/	6
(c)	Being monitored		2
(d)	Pending		19
	Total		41

a/ The Panel is working on one case that involves four people.

b/ Two cases in which the Panel wrote reports to the ASG/OHRM made further claims to JAB, even though in one case the Panel's recommendations had been implemented. The third case came to the Panel after the Tribunal decided that it was not within its jurisdiction and the fourth case is pending with both the Panel and JAB.

E. Types of complaints brought before the Panel

12. The Panel handled four cases, involving seven staff members who had previously been on secondment and whose contracts were not being renewed. One staff member has been rehired but only after the Panel's recommendation was not implemented and the staff member brought his case to the Joint Appeals Board. Other cases are still pending with the Panel.

13. The Panel notes that unlike past years when the largest number of complaints were in the area of "Unfair Treatment/Personal Relations" relating to promotion, this year most of the complaints fell into the "Other" category. The majority of those complaints dealt with the General Service classification exercise.

14. The Panel handled one case of sexual harassment and one case of gender discrimination. The Panel did not find anything to support the former and resolved the latter informally.

F. Difficulties encountered by Panel members in the course of their investigations

15. The Panel is authorized to recommend a two-month extension of appointment for a staff member when the Panel cannot complete its investigation of the case before its expiration. In the past year the administration has agreed to only one out of four such recommendations.

16. Paragraph 17 of ST/AI/308/Rev.1 states "Panel members shall have access, on a confidential basis, to all documents which, in their opinion, may be pertinent to the case ...". In the past year, the Panel has had difficulty in obtaining such pertinent documentation. In one case in which the Panel had repeatedly requested, both verbally and in writing, a copy of a memorandum from an Executive Office, that office did not reply. However, when the case went to the Administrative Tribunal, the office was again asked to produce the document and did so. That memorandum was essential to the Panel's case and if it had been produced when requested the Panel would have been able to write a report, which may have avoided the long and costly litigation for both the staff members and the Organization.

G. General recommendations

17. The Panel wishes to reiterate that its basic mission is to resolve grievances by informal means. This is best accomplished when the staff come to the Panel before their grievances have been the subject of memoranda in which all parties have already stated their positions. As it is in the interest of all to resolve problems by informal means, the Panel would also recommend that administrators who are having staff/management difficulties refer their staff to the Panel before the problems escalate.

II. ACTIVITIES OF THE PANEL AT GENEVA FOR THE PERIOD 1 JULY 1991-30 JUNE 1992

A. Membership

18. The composition of the Panel during the reporting period was as follows: Ms. E. Calon (United Nations Economic Commission for Europe (ECE)), Ms. M. Charrin (Centre for Human Rights), Mr. M. Elias (Office of the United Nations High Commissioner for Refugees (UNHCR)) and Mr. E. Mbuli (United Nations Conference on Trade and Development (UNCTAD)). Mr. S. Raskalei (UNOG) was Coordinator of the Panel until his resignation, effective 8 August 1991. Mr. Ben Hadid has since been acting as Coordinator.

B. Procedure

19. During the period covered by the present report, the Panel held a regular monthly meeting as well as a number of extraordinary meetings to review the state of advancement of the cases before it and to discuss matters concerning the handling of certain cases, the conduct of investigations or the follow-up to its recommendations. In general, cases were referred to the Panel by staff members through direct contact with one of the members or with the Coordinator. In most cases, the staff members concerned were requested to submit a written statement of facts with a clear indication of their grievances. If the preliminary inquiry established the case to be admissible, two members were designated to handle the matter and try to find a solution through informal means. Whenever this seemed not feasible and if the case required so, a written recommendation, agreed upon collectively, was addressed to the Director-General, United Nations Office at Geneva, with a copy to the parties concerned, for appropriate action.

20. In dealing with the cases before it, the work of the Panel consisted, inter alia, in investigation and fact-finding approaches, interviews with the interested parties, negotiation with managerial officers, conciliation and follow-up actions. It provided also counselling and guidance to staff members to prevent future conflicts.

C. Statistical breakdown of cases

21. During the reporting period, 20 cases of alleged discriminatory treatment and other grievances were submitted to the Panel. This figure does not include the cases where a Panel member provided counselling to staff members or those handled twice by the Panel (due to non-compliance with agreements reached) but were counted as one.

22. The distribution and breakdown of the complaints are shown in the following tables. Table 5 gives the distribution of cases by agency, office or department to which the complainants belong.

Table 5

DISTRIBUTION OF CASES BY AGENCY/OFFICE

Agency/office	No. of cases
United Nations Office at Geneva (UNOG)	13
United Nations Economic Commission for Europe (ECE)	1
United Nations Conference on Trade and Development (UNCTAD)	2
Centre for Human Rights	-
Office of the United Nations Disaster Relief Coordinator (UNDRO)	2
Office of the United Nations High Commissioner for Refugees (UNHCR)	-
International Trade Centre	2
Total a/	20

a/ This figure did not include cases handled twice. See para. 21 above.

23. Table 6 gives a breakdown of cases according to the staff member's gender and service category.

Table 6

COMPLAINTS REFERRED TO THE PANEL ACCORDING TO THE STAFF MEMBER'S GENDER AND SERVICE CATEGORY

Category	Female	Male	Total
Professional	2	5	7
General Service	9	1	10
Other a/	-	3	3
Total	11	9	20

a/ Trades and Crafts, Field Service, Security Officers.

24. Table 7 shows the number of cases referred to the Panel according to the main grounds which prompted the grievance.

Table 7

CASES OF ALLEGED DISCRIMINATORY TREATMENT

Category	Contractual status		Promotion		Performance evaluation		Classification		Transfer		Working conditions		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Unfair treatment/ Personal relations	4	2	1	3	3	1	-	2	-	1	1	2	20
Total	6		4		4		2		1		3		20

D. Types of complaints

25. As shown in table 7, the cases classified under the "Contractual status" category refer generally to non-renewal or termination of short-term or fixed-term contracts. The most common reasons advanced for such an action were either "unsatisfactory service" or a "modification", due to restructuring, in the job profile so that the incumbent was considered as no longer fitting for the post. However, in both situations, the Panel found it difficult to determine clearly the validity of these arguments. On the contrary, it noted a discrepancy between the "punctual" arguments given during the course of its investigation and the information contained in the official files. The Panel had the feeling that the decisions were taken in a discretionary manner by supervisors.

26. As to the cases in the "Promotion" category, the Panel noted that they were due to a certain lack of transparency in the recommendation and selection procedures, and to limited career prospects, thus giving rise to a feeling of "frustration" among eligible candidates in the service concerned.

27. The "Classification" category cases refer to inconsistency in the application of the decisions of the classification body: the grade of the post did not correspond to the level at which it was classified, because the grade had been shifted to another post with different functions within the same service.

28. Concerning the "Working conditions" category, cases related to a lack of communication and to a certain form of managerial rigidity which led, often, to a deadlock.

E. Status of cases as of 30 June 1992

29. Table 8 gives the status of cases handled during the reporting period. It is to be noted that most cases were settled through informal means. As to the cases referred to the Director-General, no conclusive action has been taken.

Table 8

STATUS OF CASES AS OF 30 JUNE 1992

Status	No. of cases
(a) Resolved informally	14
(b) Referred to the Director-General:	
(i) Implemented:	
- fully	-
- in part	-
(ii) Awaiting implementation	1
(iii) Not implemented	2
(c) Under review	1
(d) Withdrawn	2
(e) Pending	-
Total	20

F. Difficulties encountered and recommendations

30. Apart from one exception where a supervisor showed reluctance to accept the "interference" of the Panel in the "internal affairs" of his section, the Panel had no particular difficulties in conducting its investigation, interviews and negotiations. Almost all parties approached (especially Personnel Service officers, heads of departments or services, staff representation bodies) were cooperative and willing to help the Panel find an amicable settlement to the satisfaction of the parties concerned.

31. However, the Panel noted a certain delay in the implementation of the arrangements agreed upon which resulted, sometimes, in an aggravation of the situation.

32. The Panel also noted that the "unsatisfactory service" allegations were invoked to terminate short-term and fixed-term contracts even when personnel files did not reflect poor performance. Moreover, because of the short

notice, if any, given to the staff member, the Panel found it difficult to handle such cases as thoroughly and as carefully as necessary.

33. Furthermore, the Panel reiterates, as stated in its previous report, that some supervisors' assessments (orally or in the form of special notes) with respect to a staff member's performance differed substantially from the written ratings and comments contained in the periodic reports.

34. Accordingly, the Panel wishes to recommend that these matters be addressed so that it can resume its functions in the best conditions possible and contribute efficiently to the administration of justice in the United Nations Secretariat.

III. ACTIVITIES OF THE ECONOMIC COMMISSION FOR AFRICA (ECA) PANEL AT ADDIS ABABA FOR THE PERIOD 1 JULY 1991-30 JUNE 1992

A. Membership

35. In accordance with paragraph 3 of administrative instruction ST/AI/308/Rev.1, the following staff members were appointed by the Executive Secretary of ECA to serve as members of the Panel from 1 July 1991-30 June 1992: Mr. A. Kebede, Ms. P. Amono, Mr. J. Foday, Ms. G. Zelleke, Ms. R. Omar, Mr. Thabit, Ms. Y. Musse and Ms. F. Kabi, Coordinator.

B. Procedure

36. The procedure established by the Panel remained as described in ST/IC/1990/28.

C. Statistical breakdown and status of cases

37. During the reporting period the Panel considered one grievance case which concerned a dispute between two staff members. The case has not yet been resolved.

IV. ACTIVITIES OF THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP) PANEL AT BANGKOK FOR THE PERIOD 1 MAY 1991 TO 30 JUNE 1992

A. Membership

38. The activities of the Panel through 26 February 1992 were as described in Part IV of ST/IC/1991/60. The term of the most recent Panel expired on that date; efforts are under way to constitute a new Panel.

V. ACTIVITIES OF THE ECONOMIC COMMISSION FOR LATIN AMERICA AND THE CARIBBEAN (ECLAC) PANEL AT SANTIAGO FOR THE PERIOD 1 JULY 1991-30 JUNE 1992

A. Membership

39. In accordance with the memorandum of the Executive Secretary of ECLAC dated 2 October 1990, the membership of the Panel was as follows: Mr. Raúl Atria (Coordinator), Ms. Carmen Artigas, Ms. Martine Dirven, Ms. Silvia Gutiérrez and Mr. Edgard Ortegón.

B. Procedure

40. During the reporting period the Panel met formally three times. Informal consultations were held frequently between the Coordinator and the members of the Panel on specific actions. In addition members conducted independent examinations of cases and reported to the Panel in due course.

41. During the reporting period two new complaints were admitted by the Panel as cases requiring action, and action was taken on a third case which was carried over from the preceding reporting period. Another situation did not evolve as a case and it was handled directly by the Personnel Section to the satisfaction of the concerned parties. In the discharge of its duties members of the Panel had interviews with supervisors and meetings with the Chief, Office of Personnel, and with the Director of the Programme Planning and Operations Division.

C. Work of the Panel

42. Table 9 gives a statistical breakdown of the cases by gender and service category.

Table 9

COMPLAINTS REFERRED TO THE PANEL ACCORDING TO THE STAFF MEMBER'S GENDER AND SERVICE CATEGORY

Category	Female	Male	Total
Professional	1	1	2
General Service	-	1	1
Total	1	2	3

43. One of the alleged discriminatory treatments was related to personal relations (abusive supervision). One other case was an allegation of discrimination in performance evaluation. The reopened case originated as a performance evaluation and the other was on contractual status. The breakdown of cases was as follows:

Table 10

CASES OF ALLEGED DISCRIMINATORY TREATMENT

Category	Female	Male	Total
Performance evaluation	-	2 a/	2
Working conditions	1	-	1
Total	1	2	3

a/ Including a staff member in the General Service category.

44. No cases were pending for consideration by the Panel as of 30 August 1992.

VI. ACTIVITIES OF THE PANEL AT VIENNA FOR THE PERIOD 1 JULY 1991-30 JUNE 1992

A. Membership

45. The Panel's membership through 1 December 1991 was: Mr. Ernst Blaha, Mr. Carlos Bueno-Guzmán, Mr. Kristian Ndiribe, Ms. Nehad Salem, Ms. Susan Schneider and Ms. Marie Kuesell (Coordinator). From 1 December 1991 the following membership was approved for a two-year period: Mr. E. Blaha, Mr. J. Finlay (Coordinator), Ms. M. Kuesell, Ms. S. Mlango, Mr. K. Ndiribe, Ms. M. Ndulo.

B. Work of the Panel

46. During the reporting period the Panel was approached informally by several staff members who had problems but did not feel the need to make a formal complaint. In those instances advice was given or staff members were referred to other bodies more competent to deal with their cases.